

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

KATHY W.,¹

No. 1:17-cv-01809-HZ

Plaintiff,

ORDER

v.

COMMISSIONER SOCIAL
SECURITY ADMINISTRATION,

Defendant.

HERNÁNDEZ, District Judge:

Plaintiff brought this action seeking review of the Commissioner's final decision to deny Supplemental Security Income, Disability Insurance Benefits, and Widow's Insurance Benefits. Based on the parties' stipulation, the Court ordered the Commissioner's decision reversed and remanded for further proceedings. Judgment was entered on August 8, 2018.

¹ In the interest of privacy, this order uses only the first name and the initial of the last name of the non-governmental party or parties in this case.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has no objection to the request. The Court has reviewed the record in the case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds the requested fees reasonable.

The Court grants the motion [22] and awards Plaintiff's counsel \$15,873.75 in attorney's fees under 42 U.S.C. § 406(b). Previously, the Court awarded Plaintiff attorney's fees in the amount of \$8,000 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. However, Plaintiff's attorney received only \$4,225.26 of that fee, as \$3,774.74 was applied toward the Plaintiff's delinquent debts in accordance with *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010). When issuing the section 406(b) check for payment to Plaintiff's attorney, the Commissioner is therefore directed to subtract \$4,225.26 and send Plaintiff's attorney the balance of \$11,648.49 less any applicable processing fees as allowed by statute. Any amount withheld after all administrative and court attorney's fees are paid should be released to the claimant.

IT IS SO ORDERED.

Dated this 27 day of December, 2019


MARCO A. HERNÁNDEZ
United States District Judge